

SENATE BILL 378

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2003 Regular Session
3r0865
CF 3r2076

By: **Senators Jacobs, Colburn, Hooper, Schrader, and Stone**
Introduced and read first time: January 31, 2003
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Death Penalty - Multiple Murders**

3 FOR the purpose of adding the commission of more than one murder in the first
4 degree within a certain time period to the list of aggravating circumstances a
5 court or jury is required to consider before a defendant can be sentenced to
6 death; and generally relating to the death penalty.

7 BY repealing and reenacting, without amendments,
8 Article - Criminal Law
9 Section 2-303(b)
10 Annotated Code of Maryland
11 (2002 Volume)

12 BY repealing and reenacting, with amendments,
13 Article - Criminal Law
14 Section 2-303(g)
15 Annotated Code of Maryland
16 (2002 Volume)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article - Criminal Law**

20 2-303.

21 (b) If the State gave notice under § 2-202(a)(1) of this title, a separate
22 sentencing proceeding shall be held as soon as practicable after a defendant is found
23 guilty of murder in the first degree to determine whether the defendant shall be
24 sentenced to death.

25 (g) (1) In determining a sentence under subsection (b) of this section, the
26 court or jury first shall consider whether any of the following aggravating
27 circumstances exists beyond a reasonable doubt:

- 1 (i) one or more persons committed the murder of a law
2 enforcement officer while the officer was performing the officer's duties;
- 3 (ii) the defendant committed the murder while confined in a
4 correctional facility;
- 5 (iii) the defendant committed the murder in furtherance of an
6 escape from, an attempt to escape from, or an attempt to evade lawful arrest, custody,
7 or detention by:
- 8 1. a guard or officer of a correctional facility; or
9 2. a law enforcement officer;
- 10 (iv) the victim was taken or attempted to be taken in the course of
11 an abduction, kidnapping, or an attempt to abduct or kidnap;
- 12 (v) the victim was a child abducted in violation of § 3-503(a)(1) of
13 this article;
- 14 (vi) the defendant committed the murder under an agreement or
15 contract for remuneration or promise of remuneration to commit the murder;
- 16 (vii) the defendant employed or engaged another to commit the
17 murder and the murder was committed under an agreement or contract for
18 remuneration or promise of remuneration;
- 19 (viii) the defendant committed the murder while under a sentence of
20 death or imprisonment for life;
- 21 (ix) the defendant committed more than one murder in the first
22 degree arising out of the same incident; [or]
- 23 (x) the defendant committed the murder while committing, or
24 attempting to commit:
- 25 1. arson in the first degree;
26 2. carjacking or armed carjacking;
27 3. rape in the first degree;
28 4. robbery under § 3-402 or § 3-403 of this article; or
29 5. sexual offense in the first degree; OR
- 30 (XI) THE DEFENDANT COMMITTED MORE THAN ONE MURDER IN
31 THE FIRST DEGREE WITHIN A 3-YEAR PERIOD.
- 32 (2) If the court or jury does not find that one or more of the aggravating
33 circumstances exist beyond a reasonable doubt:

1 (i) it shall state that conclusion in writing; and

2 (ii) a death sentence may not be imposed.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2003.